

GEOFFREY & HEATHER WARD
15 FACULTY ROAD, DURHAM, NH 03824

February 2, 2022

DELIVERED VIA EMAIL TO:

Contract Planner Rick Taintor rtaintor@ci.durham.nh.us
Admin. Asst. Karen Edwards kedwards@ci.durham.nh.us

Durham Planning Board
Town Hall
8 Newmarket Road
Durham, NH 03824

Re: Mill Plaza Redevelopment

Dear Planning Board Members,

We are the owners of 15 Faculty Road, having purchased the property on September 18, 2017. We are writing the Board again concerning the proposed redevelopment of the Mill Plaza by Colonial Durham Associates, LP (“CDA”). We have previously written to the Board on June 24, 2020 to address the June 17, 2020 letter to the Board from Brian W. White of White Appraisal and will not readdress all of the points made in that letter concerning the deficiencies of Mr. White’s letter and opinions but would instead ask that the Board re-read and consider that correspondence as well.¹

We have continued to follow CDA’s proposal through the process and have kept faith that the Town of Durham would keep in mind the interests of their permanent residents and their quality of life. We hold to that faith today.

As the Board’s process with the CDA and the Mill Plaza redevelopment appears to be drawing to close, we want to urge the Board to focus its review and deliberations on whether the proposal complies with the 2015 Settlement Agreement and the Town of Durham’s Conditional Use criteria.

For the purposes of this letter, we will focus only on the Conditional Use criteria discussed below. Nevertheless, it should be clear as well that the CDA’s proposal fails the remaining criteria as well and violates the terms of the Settlement Agreement.

As you are aware, the Conditional Use criteria requires, among other things, that:

The external impacts of the proposed use on abutting properties and the neighborhood shall be no greater than the impacts of adjacent existing uses or other uses permitted in the zone. This shall include, but not be limited to, traffic, noise, odors, vibrations, dust,

¹ Mr. White’s letter was also so expertly rebutted in Matthew Meskill’s December 2, 2021 letter that I would assume at this point that the Board would give Mr. White’s opinion no weight in its deliberations on this matter. Mr. White’s recent retort which utterly fails to address the substance of Mr. Meskill’s critique seems to concede the deficiencies that were highlighted in his original letter.

fumes, hours of operation, and exterior lighting and glare. In addition, the location, nature, design, and height of the structure and its appurtenances, its scale with reference to its surroundings, and the nature and intensity of the use, shall not have an adverse effect on the surrounding environment nor discourage the appropriate and orderly development and use of land and buildings in the neighborhood.

DZO 175-23(C)(2).

It should be abundantly clear on the face of the application that it fails to meet this *required* criteria. The current *existing use* of the Mill Plaza includes no housing whatsoever. This limits “the traffic, noise, odors, vibrations, dust, fumes, hours of operation, and exterior lighting and glare” to regular business hours. CDA’s proposal would make the Mill Plaza a 24-hour a day, seven-day-a-week operation, with a substantial residential component marketed exclusively at college students. The effect will be to turn a business plaza into student dormitories. Such a drastic change in the nature of the Mill Plaza is plainly significantly greater than the impact of current existing use and thus violative of the Conditional Use criteria.

It is common sense that the addition of 258 residents and their guests to the Mill Plaza will change the character of the Plaza as Professor Karen G. Weiss so aptly explained in her expert report sent to the Board on April 19, 2021. As she stated, “It is very likely that the proposed housing for Durham’s Mill Plaza, to be built adjacent to a family-owned neighborhood, will increase disorder, student-resident conflict, and clashes with police. Most importantly, it is likely to negatively impact the quality of life for both the families living in that neighborhood and the students who wish to (and almost always find a way to) party.”

This opinion was effectively seconded by our own Deputy Chief of Police David Holmstock, who when writing to the Board about a proposed food truck in the Plaza, stated quite plainly that:

If located in the Mill Road Plaza during the evening hours, a food truck would most certainly bring with it the possibility of increased noise, increased vandalism, and increased incidents of violent behavior. Residents living in the Faculty Development may be affected by noise generated by late night crowds or increased foot traffic walking through their neighborhood. Surrounding neighborhoods may also experience an increase in vandalism to property or littering in the local neighborhoods as intoxicated youth make their way to and from the location.

If this is true for the temporary presence of a food truck in the Plaza, and it undoubtedly is, then the Board must realize it will also be true for the CDA’s proposed redevelopment of the Mill Plaza. Except, of course, that the CDA plan will be permanent and the degradation it undoubtedly will cause nearly impossible to undo. Given such obvious violations of Conditional Use this Board must reject the CDA’s proposal as too drastic a change to the character of the Plaza, the surrounding Faculty Neighborhood, and the Town of Durham itself.

Rather, any Plaza redevelopment should enhance the community, it should include upgrades to the commercial properties. That can be accomplished consistent with the Conditional Use criteria and with the Settlement Agreement. This can be accomplished in a manner that does not

place the vast majority of student apartments as close as is possible to the Faculty Neighborhood bringing with them “increased noise, increased vandalism, and increased incidents of violent behavior.”

Thank you for your time and the work you do on behalf of the people of Durham. Please do not hesitate to contact us if you wish to discuss our input further.

Respectfully,



Heather S. Ward & Geoffrey W.R. Ward

Copy to: Town Manager Todd Selig (via email to: tselig@ci.durham.nh.us)
Durham Town Council (via email to: council@ci.durham.nh.us)